

ESTTA Tracking number: **ESTTA173031**

Filing date: **11/06/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Financial Freedom Senior Funding Corporation
Granted to Date of previous extension	11/21/2007
Address	1 Banting Irvine, CA 92618 UNITED STATES
Attorney information	B. Brett Heavner Finnegan, Henderson, Farabow, Garrett and Dunner, LLP 901 New York Avenue, N.W. Washington, DC 20001 UNITED STATES docketing@finnegan.com, b.brett.heavner@finnegan.com, pamela.scully@finnegan.com Phone:202-408-4000

Applicant Information

Application No	77072826	Publication date	07/24/2007
Opposition Filing Date	11/06/2007	Opposition Period Ends	11/21/2007
Applicant	Stratagem Mortgage LLC 3032 Avon Road Bethlehem, PA 18017 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. All goods and services in the class are opposed, namely: Mortgage brokerage

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
The mark is deceptively misdescriptive	Trademark Act section 2(e)(1)

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2775594	Application Date	07/29/2002
Registration Date	10/21/2003	Foreign Priority Date	NONE
Word Mark	FINANCIAL FREEDOM		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 1999/12/01 First Use In Commerce: 2000/01/01 REVERSE MORTGAGE LENDING

Attachments	78148416#TMSN.jpeg (1 page)(bytes) Notice of Opposition for Financial Freedom Starts Here.PDF (9 pages)(420480 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/B. Brett Heavner/
Name	B. Brett Heavner
Date	11/06/2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

FINANCIAL FREEDOM SENIOR FUNDING CORPORATION,)	
)	Opposition No.
Opposer,)	
)	Serial No. 77/072,826
v.)	Mark: FINANCIAL FREEDOM
)	STARTS HERE
STRATAGEM MORTGAGE LLC,)	Filing Date: December 28, 2006
)	
Applicant.)	

NOTICE OF OPPOSITION

Opposer Financial Freedom Senior Funding Corporation (“Opposer” or “FFSF”), a Delaware corporation, having a business address at 1 Banting, Irvine, California 92618, believes that it will be damaged by the registration of the mark FINANCIAL FREEDOM STARTS HERE for mortgage brokerage shown in Application Serial No. 77/072,826, and hereby opposes same. As grounds for its opposition, Opposer alleges as follows upon actual knowledge as to its own acts and upon information and belief as to all other matters:

1. Opposer Financial Freedom Senior Funding Corporation is a Delaware corporation with its principal place of business at 1 Banting, Irvine, California 92618.
2. Since at least as early as December 1, 1999, Opposer has used the FINANCIAL FREEDOM trademark in the United States in connection with reverse mortgage lending. Opposer has acquired common law rights to FINANCIAL FREEDOM through its use of the mark over the past eight years.

3. Opposer is also the owner of U.S. Registration No. 2,775,594, registered on October 21, 2003 for the mark FINANCIAL FREEDOM and Design (shown below) for reverse mortgage lending.



4. Stratagem Mortgage LLC (“Applicant”) is a United States mortgage brokerage, with an address of 3032 Avon Road, Bethlehem, Pennsylvania 18017.

5. Applicant is the listed owner of Application Serial No. 77/072,826, filed December 28, 2006, long after Opposer’s priority date, under Section 1(b), 15 U.S.C. § 1051(b), for the mark FINANCIAL FREEDOM STARTS HERE for “mortgage brokerage,” in Class 36. On information and belief, Applicant has not yet commenced use of the mark FINANCIAL FREEDOM STARTS HERE.

6. The “FINANCIAL FREEDOM” portion of Applicant’s mark FINANCIAL FREEDOM STARTS HERE is identical in pronunciation and appearance to Opposer’s FINANCIAL FREEDOM mark. The mortgage brokerage services are closely related to the services offered by Opposer in connection with its FINANCIAL FREEDOM mark.

7. In view of the similarity of the parties’ marks and the closely-related nature of the parties’ services, Applicant’s mark FINANCIAL FREEDOM STARTS HERE so resembles Opposer’s previously used mark FINANCIAL FREEDOM and Design mark as to be likely to cause confusion, or to cause mistake, or to deceive.

WHEREFORE, Opposer respectfully requests that the mark shown in Application Serial No. 77/072,826 be refused registration and that this opposition be sustained.

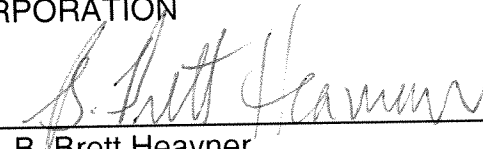
A filing fee of \$300.00 has been submitted electronically. If the filing fee is found to be insufficient for any reason, please charge such deficiency to our Deposit Account No. 06-0916.

Respectfully submitted,

FINANCIAL FREEDOM SENIOR FUNDING
CORPORATION

Dated: November 6, 2007

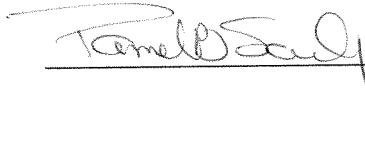
By: _____


B. Brett Heavner
Anna C. Bonny
FINNEGAN, HENDERSON, FARABOW,
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Washington, D.C. 20001-4413
(202) 408-4000

Attorney for Opposer
Financial Freedom Senior Funding
Corporation

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on David Yeselavage by mailing said copy on November 2, 2007, via FedEx to: David Yeselavage, Stratagem Mortgage LLC, 3032 Avon Road, Bethlehem, Pennsylvania 18017.



A handwritten signature, "Tamel B. Saul", is written in cursive above a horizontal line. A vertical line extends downwards from the end of the signature.


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Word Mark	FINANCIAL FREEDOM
Goods and Services	IC 036. US 100 101 102. G & S: REVERSE MORTGAGE LENDING. FIRST USE: 19991201. FIRST USE IN COMMERCE: 20000101
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	24.09.05 - American flags; Flags, American
Serial Number	78148416
Filing Date	July 29, 2002
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	July 29, 2003
Change In Registration	CHANGE IN REGISTRATION HAS OCCURRED
Registration Number	2775594
Registration Date	October 21, 2003
Owner	(REGISTRANT) Financial Freedom Senior Funding Corporation CORPORATION DELAWARE 1 Banting Irvine CALIFORNIA 92618
Attorney of Record	B. BRETT HEAVNER
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FINANCIAL" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK

Register PRINCIPAL
Live/Dead Indicator LIVE

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Serial Number: 78148416 Assignment Information

Trademark Document Retrieval

Registration Number: 2775594

Mark



(words only): FINANCIAL FREEDOM

Standard Character claim: No

Current Status: Registered.

Date of Status: 2003-10-21

Filing Date: 2002-07-29

Transformed into a National Application: No

Registration Date: 2003-10-21

Register: Principal

Law Office Assigned: LAW OFFICE 102

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2006-04-26

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Financial Freedom Senior Funding Corporation

Address:

Financial Freedom Senior Funding Corporation

1 Banting

Irvine, CA 92618

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

Phone Number: 949-263-9931

Fax Number: 949-749-9134

GOODS AND/OR SERVICES

International Class: 036

Class Status: Active

REVERSE MORTGAGE LENDING

Basis: 1(a)

First Use Date: 1999-12-01

First Use in Commerce Date: 2000-01-01

ADDITIONAL INFORMATION

Disclaimer: "FINANCIAL"

Design Search Code(s):

24.09.05 - American flags; Flags, American

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-10-25 - Applicant/Correspondence Changes (Non-Responsive) Entered

2006-10-25 - TEAS Change Of Owner Address Received

2006-04-26 - Section 7 amendment issued

2005-11-15 - Response received to Post Registration action - Sections 8

2005-11-15 - PAPER RECEIVED

2005-11-03 - Post Registration action mailed - Section 7

2005-07-11 - Section 7 amendment filed

2005-07-11 - PAPER RECEIVED

2004-08-24 - PAPER RECEIVED

2003-10-21 - Registered - Principal Register

2003-07-29 - Published for opposition

2003-07-09 - Notice of publication

2003-04-28 - Approved for Pub - Principal Register (Initial exam)

2003-04-15 - EXAMINERS AMENDMENT E-MAILED

2003-01-13 - Non-final action e-mailed

2002-12-12 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

B. BRETT HEAVNER

Correspondent

B. Brett Heavner

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